

UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. MBHB 05-720-US2)

In re the application of:)	
Kouvetakis et al.)	
Serial No.:)	Examiner: PATEL, REEMA
10/559,981)	
Filed:)	Group Art Unit: 2812
September 5, 2006)	
U.S. Patent:)	Confirmation No.: 6588
7,589,003, issued September 15, 2009)	
Title:)	
GESN ALLOYS AND ORDERED)	
PHASES WITH DIRECT TUNABLE)	
BANDGAPS GROWN DIRECTLY)	
ON SILICON)	

REQUEST FOR CERTIFICATE OF CORRECTION OF OFFICE MISTAKE
PURSUANT TO 37 C.F.R. § 1.322

Attn: Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.322, the assignee of record, Arizona Board of Regents, requests issuance of a Certificate of Correction for the above-identified patent. In particular, the assignee seeks to correct errors in the inventorship as listed in the issued patent, which occurred due to Office Mistake.

The correct inventorship was provided by the Applicants prior to allowance in a request under 37 CFR § 1.48(a), which was filed on April 27, 2009. As stated in chapter 1002.02(e) of the MPEP, requests under 37 C.F.R. § 1.48 for correction of inventorship in applications are decided by primary examiners. However, Applicants did not receive a reply to the request under 37 C.F.R. § 1.48(a) during prosecution. Consequently, the inventorship was printed erroneously upon issuance.

Regarding the error, the above-referenced patent lists the following inventors, which should be deleted from the cover page at item (75):

Chang Wu Hu, Gilbert, AZ, and
Ignatius S. T. Tsong, Tempe, AZ.

Thus, the correct inventorship for the patent is:

John Kouvetakis, Mesa, AZ,
Matthew Bauer, Hillsboro, OR,
Jose Menendez, Tempe, AZ, and
John Tolle, Gilbert, AZ.

The assignee respectfully submits that the previous request under 37 C.F.R. § 1.48(a) (filed April 27, 2009) was complete and proper. That is, the request was accompanied by a statement from each person being deleted as an inventor that the error in inventorship occurred without deceptive intent on his part, a declaration by the actual inventors agreeing to the change of inventorship as required by 37 C.F.R. § 1.63, the written consent of the assignee, and the fee as set forth in 37 C.F.R. § 1.17(i). All documents filed on April 27, 2009 are present in the file wrapper as viewed on the Patent Application Information Retrieval (P.A.I.R.) website.

Since no reply was received to the April 27, 2009 request during prosecution of the application by the primary examiner, the assignee submits that the mistake in inventorship occurred due to an oversight on the part of the Office. Thus, the assignee believes a request for certificate of correction under 37 C.F.R. § 1.322 (rather than 37 C.F.R. § 1.324) is correct, and that no fee is due. The assignee further submits that the requested corrections do not constitute new matter, and that they do not require substantive examination of the file.

The assignee submits herewith a completed Certificate of Correction Form (PTO/SB/44). However, as stated in 37 C.F.R. § 1.322(b):

If the nature of the mistake on the part of the Office is such that a certificate of correction is deemed inappropriate in form, the Director may issue a corrected patent in lieu thereof as a more appropriate form for certificate of correction, without expense to the patentee.

Accordingly, the assignee respectfully requests that a corrected patent be issued in lieu of the PTO/SB/44 Form submitted herewith, such that the correct listing of inventors appears on the cover page of the printed patent.

Although no fee is believed due with this request, the Patent Office is authorized to charge any fee deficiencies to deposit account 13-2490.

Consideration of this Request and re-publication of the patent or issuance of the Certificate of Correction is respectfully requested. If there are any questions or comments regarding this request, the Examiner is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted,

Date: November 30, 2009

/David S. Harper/
David S. Harper
Registration No. 42,636

Telephone: 312-913-0001
Facsimile: 312-913-0002

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, IL 60606

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

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PATENT NO. : 7,589,003
APPLICATION NO.: 10/559,981
ISSUE DATE : September 15, 2009
INVENTOR(S) : Kouvetakis et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, at item "(75) Inventors," please delete inventors

"Chang Wu Hu, Gilbert, AZ (US)" and

"Ignatius S. T. Tsong, Tempe, AZ (US)."

MAILING ADDRESS OF SENDER (Please do not use customer number below):

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.